

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:14-cr-13-TWP-VTW
)	
MATTHEW SAGE,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 7, 2016, the Court held a hearing on the Petition for Warrant for Offender Under Supervision filed on June 1, 2016 (Docket No. 10). Defendant Matthew Sage appeared in person with his appointed counsel, Logan Sims. The government appeared by Lauren Wheatley, Assistant United States Attorney. U. S. Probation appeared by Officer Brian Bowers.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant of his rights and provided him with a copy of the petition.
2. The parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
3. After being placed under oath, Mr. Sage admitted Violation 2.
4. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 2 **“The defendant shall refrain from any unlawful use of a controlled substance.”**

On February 25, 2016, the offender submitted to drug testing, which tested positive for marijuana. He admitted attending a party on February 18, 2016, with criminal associates who were distributing drugs. On April 18 and 25; and May 12 and 24, 2016, the offender submitted to drug testing, which tested positive for marijuana. The results were submitted to Alere Laboratory for confirmation and analysis where it was determined the subsequent positive drug tests were indicative of continued, ongoing drug use.

5. The parties stipulated that:

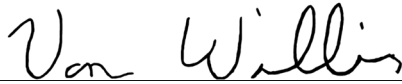
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is IV.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months’ imprisonment.

6. The parties jointly recommended Mr. Sage be sentenced to 8 months imprisonment, with no term of supervised release to follow.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED item Number 2 in the Petition, that his supervised release should be REVOKED, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 8 months with no term of supervised release to follow. The defendant is to be taken into custody immediately. The Court will make a recommendation of placement at a facility near Jeffersonville, Indiana.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: June 8, 2016

A handwritten signature in cursive script that reads "Van Willis". The signature is written in black ink and is positioned above a horizontal line.

VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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